

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING AMENDED AGENDA

Jarvis Hall
4505 Ocean Drive
Tuesday, October 13, 2009
7:00 P.M.

1. **CALL TO ORDER, MAYOR ROSEANN MINNET**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION** – Reverend George Hunsaker
4. **PRESENTATIONS**
 - a. Presentation by Cry of the Water – Establishment of a Marine Park (Commissioner Silverstone)
 - b. Presentation by the Green Hopper (Commissioner Clottey)
5. **PUBLIC COMMENTS**
6. **REPORTS**
 - a. Finance and Budget Monthly Report – August 2009 (Manager Colon)
 - b. VFD Fire Monthly Report – August 2009 (Chief Perkins)
 - c. AMR EMS Monthly Report – August 2009 (Operations Manager Liddle)
7. **PUBLIC SAFETY DISCUSSION**
 - a. Report on Suicide in Bel-Air
8. **TOWN MANAGER REPORT**
9. **APPROVAL OF MINUTES**
 - a. July 29, 2009 continued from July 28, 2009 Regular Meeting Minutes
 - b. September 9, 2009 Regular Meeting Minutes
 - c. September 10, 2009 continued from September 9, 2009 Regular Meeting Minutes

- d. September 10, 2009 Commission Conference Minutes
- e. September 14, 2009 Special Public Hearing Minutes

10. ORDINANCES – PUBLIC COMMENTS

1. Ordinances 1st Reading

a. Ordinance 2009-28: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA AMENDING CHAPTER 20, ARTICLE IV, ENTITLED “UTILITIES”, REPEALING SECTIONS 20-40 AND 20-44 AND SECTIONS 20-50 THROUGH 20-65 THEREOF PROVIDING FOR THE LEVY, COLLECTION AND ENFORCEMENT OF THE TOWNS STORMWATER MANAGEMENT UTILITY FEES; PROVIDING FOR CODIFICATION OF THE REPEAL IN ARTICLE IV, CHAPTER 20 OF THE CODE OF ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE

2. Ordinances 2nd Reading

a. Ordinance 2009-27: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA AMENDING CHAPTER 5, BEACHES AND WATERWAYS, TO ALLOW AND REGULATE FISHING AND SURF CASTING ON THE PUBLIC BEACH; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

11. COMMISSIONER COMMENTS

12. CONSENT AGENDA

- a. Commission approval of the agreement between LBTS and the Supervisor of Elections for the hiring of poll workers as their employees for the March 9, 2010 Municipal Election (Clerk White)
- b. Commission approval of Special Event permit application for “Public Menorah Lighting 2009” by Chabad Lauderdale By-The-Sea, Sunday December 13, 2009, 6:30 PM till 9:30 PM, refunding the application fee (Assistant Town Manager Olinzock)
- c. Commission approval of Special Event permit application for Marie White’s 5th Annual “Santa Is Coming to Town”, Saturday, December 12, 2009, 11:00 AM till 3:00 PM, refunding the application fee (Assistant Town Manager Olinzock)
- d. Commission approval of the issuance of three (3) parking permits to Global Coral Reef Reliance for use at Parking Meters on Datura Avenue, Monday Thru Friday, 7:00 AM till 6:00 PM, October 27, 2009 thru January 31, 2010, during construction of the Artificial Reef Project (Assistant Town Manager Olinzock)

- e. Commission approval of the use of Jarvis Hall by the property owners association of LBTS, Inc. for Oktoberfest 2009, Saturday, October 17, 2009, 6:00 PM till 10:00 PM, allowing serving/selling of alcoholic beverages (Assistant Town Manager Olinzock)

13. RESOLUTION – “Public Comments”

- a. **Resolution 2009-26:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA RECOGNIZING CITY GOVERNMENT WEEK, OCTOBER 18-24, 2009 AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

- a. Commission selection of contractor and award of RFP 09-07-01 – Commercial Blvd Drainage Improvements (Assistant Town Manager) *This item was deferred at the September 10, 2009 Commission Meeting by Vice Mayor McIntee.*
- b. Discussion and/or action regarding Citizen Contact Forms for drainage project (Assistant Town Manager Olinzock) *This item was deferred at the September 10, 2009 Commission Meeting by Vice Mayor McIntee.*
- c. Discussion and/or action regarding the clarification of the ordinance pertaining to the storage of boats, boat trailers, boat enclosures and boat covers in the Town (Mayor Minnet) *this item was deferred at the September 10, 2009 Commission Meeting by Vice Mayor McIntee.*
- d. Discussion and/or action: Faced with record numbers of foreclosures, some Florida communities are using more innovative ways of maintaining foreclosed properties than fines and liens. Some communities in Florida have programs where the municipality takes over the maintenance of a deteriorating property and adds these expenses to the tax bills of these respective properties. This way the Town will get reimbursed for its services and neighbors do not have to deal with deteriorating properties and overgrown lawns, green swimming pools, etc (Commissioner Clottey) *This item was deferred at the September 10, 2009 Commission Meeting by Commissioner Clottey*
- e. *Discussion and/or action regarding Request for Bid (Invitation to Bid) Vice Mayor McIntee*

16. NEW BUSINESS

- a. Commission approval of the selection of Christmas banners - \$4,952.50 (Assistant Town Manager Olinzock)
- b. Discussion and/or action by Town Commission to provide resolution to approve encroachment existing on public property: (Assistant Town Manager Olinzock)
 - 1. 16 Commercial Blvd
- c. Commission approval of four (4) Hardship Permit Applications: (Clerk White)
 - 1. Ocean Time LLC
 - 2. Ocean Treasure LLC
 - 3. Driftwood Brach Club
 - 4. Ocean Treasure
- d. Discussion and/or action to discuss the Town's Master Plan (Mayor Minnet)
- e. Discussion and/or action to allow Theaters, Performing Arts Theaters, Cultural Arts Theaters, etc on Commercial Blvd (Mayor Minnet)
- f. Discussion and/or action regarding Beautification Projects (Commissioner Silverstone)
 - 1. El Mar (Oriana)
 - 2. FDOT – A1A – Pine to Terra Mar
 - 3. LBTS – Pine Avenue from A1A to El Mar
 - 4. LBTS – El Mar – Commercial to Pine
- g. Discussion and/or action to schedule a workshop for future Capital Improvement Project: (Commissioner Silverstone)
 - Funding Mechanism
 - 1. Pay as you go
 - 2. General Obligation Bond
- h. Discussion and/or action on a “two hats” referendum item (Commissioner Dodd)
- i. Discussion and/or action regarding the height limit:
 - 1. Implementation of referendum to clarify 33 foot height limit Town (Vice Mayor McIntee)
 - 2. “Should the 15 story height limit be restored in the North end of Town” (Commissioner Dodd)

3. Should the Town change the zoning to allow the 44 foot height limit that was passed at three previous referenda for development within the boundaries of the Old Marina Overlay, Beach Overlay and Hospitality Districts? The setbacks, green space and density to be calculated from the 1973 original charter provisions and not the more recent overlay districts parameters (Commissioner Dodd)
 - j. Discussion and/or action concerning a referendum question for lifeguards (Commissioner Dodd)
 - k. Discussion and/ or action referendum items for the March 2010 ballot (Mayor Minnet)
 - l. Discussion and/or reference police call (Vice Mayor McIntee)
 - m. Discussion and/or action regarding escalating Town action to recover Town Cul de Sac (Garden Court) (Vice Mayor McIntee)
 - n. Discussion and/or action regarding garbage:
 1. Trash contract related issues (Commissioner Dodd)
 - o. Discussion and/or action regarding pay off or reduce Parking Fund Loan (Vice Mayor McIntee)
 - p. Discussion and/or action regarding the review of the Organizational Rules (Commissioner Silverstone)
 - q. Discussion and/or action as to changing "Hours of Business with the Town Limits Restricted", in the Town Code of Ordinances, Chapter 12 (Mayor Roseann Minnet)
 - r. Finalize the Town Manager's evaluation (Commissioner Clottey)
- 17. TOWN ATTORNEY REPORT**
- 18. ADJOURNMENT**
- 19. FUTURE AGENDA ITEMS**
- October 27, 2009** – Selection of contractor & award of RFP 09-07-02 - Citation Processing Services
- October 27, 2009** – Resolution 2009-23 Bel Air Street Names
- October 27, 2009** – Resolution to provide encroachments
- November 10, 2009** – Amend Ordinance 2009-19 – Vacation Rentals 1st read

November 10, 2009 – Amend Section 313. Section 29 – pools on corner lots

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 776-0576 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.